



# Legislative Bulletin

*New Hampshire Municipal Association \* The Service and Action Arm of New Hampshire Municipalities*

## Final Bulletin

## 2006 Session

**July 19, 2006**

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## 2006 Final Legislative Bulletin

Another legislative session has come to a close and many bills of interest to local government have been debated. Some have passed; some have not; still others have produced study committees or commissions to consider issues in greater depth. In this 2006 Final Legislative Bulletin, we will provide summaries of 83 bills of the 328 that passed.

Much of the session was consumed with issues like eminent domain and the Right to Know Law. The legislature passed significant restrictions on eminent domain and promptly exempted the State from its strictures. Likewise, the Right to Know legislation had a lot of discussion, but got mired in concerns about how it would apply to certain state agencies and the New Hampshire Senate. Ultimately, the bill was tabled and died there.

Of positive significance to municipalities, the legislature passed a bill allowing cities and towns to bond for the purpose of constructing broadband infrastructure, legislation that had been discussed for a number of years. Many thanks to Representative Roy Maxfield, Representative Jessie Osborne, and the members of the West Central New Hampshire Regional Security Communications Consortium who gave countless hours to the effort. Every single call and individual appearance at hearings and study meetings made a difference.

On the property tax front, the legislature adopted a payment in lieu of taxes option, at the municipality's discretion, for renewable generation facilities (the prior option was repealed several years ago). In an addition to an NHMA policy bill limiting municipal liability relative to household hazardous waste, the legislature removed the potential for private landfills to receive a total property tax exemption as a pollution control facility. And *finally*, the legislature approved a measure requiring taxable entities that are lessees of university system property to pay property taxes to the host community. University system property was the only remaining exception to the statutory requirement that taxable entities pay property taxes when leasing space on otherwise tax exempt property.

The so-called “view tax” received much discussion by the legislature, although there was clear agreement that the view from a specific property is a factor which contributes to (or detracts from) its value. The legislature sent the issue of providing better documentation of how values are determined to the Assessing Standards Board. In the process, a new provision was passed requiring municipalities to send proposed contracts for assessing services to Department of Revenue Administration for review and comment before finalizing those contracts. The goal of both these measures is to get more information to local officials and the public.

If it were not for you, the many local officials who take part in the legislative process in a myriad of ways, we would not have successes on the legislative front. You also provide us with the ability to offer some creative solutions to state and local problems that have been addressed over the years. *All of you are the ones who make a difference and help us, as staff, to do the job you expect of us. You are a delight to work with and we are grateful for all that you do on behalf of those you represent.*

**Please remember to thank your legislators who have assisted by sponsoring municipal legislation, by voting to help local interests, and by listening to the concerns you have expressed about legislative issues. Without them, no municipal legislative policy would ever be adopted.**

Finally, at the end of each legislative session, we extend thanks to the many staff members of NHMA/LGC who are involved in NHMA’s legislative program, those who participate in getting the message of our municipal members to the legislature, the Governor, and state agencies. Chief among these are the staff of the Legal Services and Government Affairs Department, particularly Pam Valley, our ever present support during the session and beyond, Judy A. Silva, Cordell A. Johnston, Barbara T. Reid, and Susan W. Olsen, who provide masterful advocacy on behalf of local government, and Susan Slack, Paul G. Sanderson, Kimberly A. Hallquist, and C. Christine Fillmore, who ask pertinent questions and provide feedback on pending legislation. We also acknowledge members of the Communications and Member Services staff, Janice D. Seaver, Stacy J. Koscielniak, and Erin L. Batstone who assisted with the Legislative Bulletin, workshops and details of the Municipal Advocacy Committee meetings. Without all of your help, our advocacy efforts would be less effective. Thank you.

Sincerely,



Maura Carroll  
General Counsel  
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## 2006 FINAL LEGISLATIVE BULLETIN

### I. CLERKS; ELECTIONS; TOWN MEETING; OFFICIAL BALLOT; CHARTERS

***Use of Unexpended Bond Proceeds in Official Ballot Municipalities.*** Chapter 12 (HB 1184) clarifies the vote necessary in certain municipalities to approve the use of bond proceeds for a different purpose than originally authorized. Under existing law (RSA 33:3-a, II), if no expenditure of bond proceeds has been made for the bond's purpose, or if there are unspent proceeds remaining after completion of the project, a municipality may, by a two-thirds vote of its legislative body, authorize expenditure of the remaining proceeds for any purpose for which bonds may be issued for an equal or longer period of time. Chapter 12 amends this section so that the vote to use unexpended proceeds mirrors the requirements for the original adoption of the bond, which vary depending on the form of government. It provides that such an expenditure may be made by a three-fifths vote of those voting in a town or school district that has adopted the official ballot form of government under RSA 40:13, and by a two-thirds vote in a town that has adopted an official ballot town council under RSA 49-D:3, I-a, unless the municipal charter provides for a three-fifths vote. **E.D. 3/13/06.**

***Paper Ballots Required.*** Chapter 23 (HB 1118) requires that all state elections be conducted "using paper ballots in accordance with [RSA ch. 656]." This does not appear to represent a substantive change, since RSA 656:15 already states, "[t]he state general election ballot shall be printed on plain white paper . . . ." RSA 669:24 contains a similar requirement for municipal election ballots. **E.D. 5/30/06.**

***Special Elections for State Representatives.*** Chapter 32 (HB 1122) amends RSA 655:82 to allow a special election for state representative to be held on the same day as a regular municipal election occurring in one or more of the municipalities within the district, if so requested by a majority of the towns or wards within the district, and if that day falls between 80 and 180 days after the date on which the Governor and Council declare that a special election will be held. Otherwise, the election will be held (as it is under current law) on the Tuesday that is at least 80 and not more than 87 days after the date of the Governor and Council's declaration. **E.D. 6/3/06.**

***Commission to Study Medicolegal Investigations and Autopsies.*** Chapter 40 (HB 649) establishes a commission to study the costs and funding of medicolegal investigations and autopsies. The commission is directed to "study and recommend changes to current statutes and procedures relative to the costs of autopsies, transportation, and medicolegal investigations and the financial responsibility for those costs by the state and the counties." The commission will comprise eight legislators and eight other members, including a representative of city and town clerks to be appointed by the New Hampshire City and Town Clerks' Association. It is to report its findings and recommendations by November 1, 2006. **E.D. 4/18/06.**

***Visual Inspection Required for Recounts.*** Chapter 41 (HB 1147) requires the Secretary of State or assistants—or, in the case of local elections, the local board of recount—to make a visual inspection of each ballot when performing a recount of election or ballot question results. No "mechanical, optical, or electronic device" may be used for the re-counting of ballots. **E.D. 6/17/06.**

***Unlawful Voting.*** Chapter 68 (HB 1222) makes it a class B felony to vote in a statewide or federal election in New Hampshire “if the person also casts a ballot in the same election year in any election held in any other state or territory of the United States where one or more federal or statewide offices or statewide questions are listed.” The prohibition does not apply if the two elections are held on different dates and the voter legitimately moved his or her domicile to or from the other state between the two election dates. **E.D. 9/1/06.**

***City Clerk Designated Chief Elections Officer.*** Chapter 78 (HB 1173) designates the city clerk as the chief elections officer in each city, and requires the clerk to establish uniform election practices and procedures conforming to state and federal law for the conduct of elections at all polling places in the city. Moderators and other election officers are required to comply with the procedures established by the clerk, with the Secretary of State to resolve any conflicting interpretations of state and federal law arising between the clerk and the other election officials. The city’s legislative body may assign to the clerk the duties of the ward officers relative to selection and equipping of polling places. **E.D. 7/1/06.**

***Three-Day Waiting Period for Marriage Repealed.*** Chapter 86 (HB 1487) repeals the three-day waiting period required after a marriage license is issued. A license is now valid immediately and for 90 days. **E.D. 7/4/06.**

***Election Affidavits Subject to Disclosure.*** Chapter 94 (HB 391) provides that citizenship and domicile affidavits filed by persons registering to vote or voting are public records under the Right-to-Know Law for the sole purpose of challenging a person’s qualifications to register or to vote, challenging ballots to be recounted, or determining the accuracy of the affidavits. It also requires such affidavits to be sworn only before an election officer (previously they could be sworn before any person authorized to administer oaths), and requires that the affidavits be preserved for three years after the election in which they are used. **E.D. 7/8/06.**

***Voters Must Be Present to Request Secret Ballot.*** Chapter 117 (HB 1174) amends RSA 40:4-a to require that town meeting voters be present at the meeting to request a secret ballot vote or a recount of a secret ballot vote. **E.D. 7/9/06.**

***Absentee Voting Based on Election Day Work Obligations.*** Chapter 136 (HB 221) allows a voter to obtain an absentee ballot if an employment obligation will require the voter to remain at work or in transit to or from work during the entire time the polls are open on election day. Current law would allow such a person to vote by absentee ballot if the work obligation requires the voter to be out of town on election day; this legislation addresses situations in which the voter is in town but must be at work the entire day. **E.D. 7/21/06.**

***Absentee Voting by Emergency Services Workers.*** Chapter 166 (HB 380) makes provisions for absentee voting by emergency services workers who are called into service too late to obtain absentee ballots under ordinary procedures. If any emergency services workers receive notice after noon on the Friday before a state election that they are being called into service under circumstances that will prevent them from obtaining absentee ballots and from voting in person, the Secretary of State’s office will, upon notice of such a call-out, make “every reasonable effort” to deliver absentee ballot materials to the workers and to return them to each voter’s town or city clerk. The legislation defines “emergency services

worker,” and identifies the kinds of “reasonable efforts” that the Secretary of State’s office is required to use. **E.D. 7/23/06.**

***Removal of Disqualified Voters from Checklist.*** Chapter 243 (HB 1567) requires the supervisors of the checklist, upon request by any person, to review the qualifications of a voter listed on the checklist. If the supervisors determine that the voter’s qualifications are in doubt, they must notify the voter and give the voter 30 days to establish proof of his or her qualifications. If the voter fails to establish his or her qualifications, the supervisors must remove the voter from the checklist. The new law also requires the supervisors to remove a name from the checklist when they receive a report from the United States Postal Service, the Department of Safety, or the Secretary of State that the voter has permanently changed his address to another town, city, or state. **E.D. 7/31/06.**

***Placement and Removal of Political Advertising.*** Chapter 273 (HB 349) relaxes the limits on the placement of political advertising contained in RSA 664:17. It removes the prohibition on posting political advertising earlier than the last Friday in July. It also allows the placement of political advertising within state-owned rights-of-way as long as the advertising does not obstruct the safe flow of traffic and the advertising is placed with the consent of the owner of the land over which the right-of-way passes. The chapter eliminates the requirement that law enforcement personnel notify the candidate before removing improperly placed advertising, but adds a requirement that such removed advertising be kept for one week at a designated location so the candidate may retrieve it. **E.D. 8/14/06.**

***Identification Required for Voter Registration.*** Chapter 300 (SB 403) requires an applicant for registration as a voter to provide proof of identity. If the applicant has in his or her immediate possession a photo driver’s license, armed services identification, or other photo identification issued by the federal government, that identification must be presented. If not, the applicant may establish identity through “any reasonable means,” including another form of photo identification approved by the supervisors or the clerk; verification of the applicant’s identity by another registered voter known to the supervisor or clerk; or completion of an affidavit.

For any registrant who does not present an approved form of identification but is permitted to establish identity through other means, the election official must mark the registration form to indicate that no photo identification was presented. If the registrant was not previously registered anywhere in New Hampshire (based on information in the centralized voter registration database (CVRD)), the election official must cause the record created in the CVRD to indicate that the applicant is a new registrant and that no photo identification was presented. For each election-day registrant who is registering in New Hampshire for the first time and who does not present photo identification, the Secretary of State’s office must send a “letter of identity verification” to the voter within 90 days after the general election. The letter will notify the addressee that a person who was unable to present photo identification registered using the addressee’s name, and instruct the addressee to contact the Attorney General immediately if he or she is not the same person who registered. The Attorney General will investigate all such responses, as well as any letters of identity verification that are returned by the Post Office as undeliverable, to determine whether fraudulent registration or voting occurred. **E.D. 9/1/06.**

**Centralized Voter Registration Database.** Chapter 305 (HB 1238) modifies the fees and procedures for obtaining copies of voter checklist information. The chapter defines a public checklist as the checklist required by RSA 654:25 which contains the names of voters who by law are to be listed on a checklist available to the public in accordance with new statutory language and a nonpublic checklist bearing the names of voters who by law are entitled to have their status as a voter kept nonpublic. Towns and cities may only provide, and are the only entities which may provide, copies of the public checklist for their town or city. The Secretary of State's office may only provide, and is the only entity that may provide, a copy of the statewide checklist. People can view the entire state checklist at the state archives, but cannot print, transfer, or otherwise duplicate it. The chapter also prohibits use of the statewide checklist for commercial purposes. **E.D. 8/18/06.**

**Constitutional Amendment Proposal on Redistricting.** CACR 41, if adopted by the voters, will amend article 11 of part 2 of the New Hampshire Constitution, to provide that when the population of any town or ward is within a reasonable deviation of the number required for a representative seat, the town or ward shall have its own district of one or more representatives. Any town, ward, or unincorporated place with fewer than the required number for one seat shall be combined into representative districts entitled to one or more seats, with existing boundaries to be preserved and contiguous. The excess number of inhabitants of a district may be added to the excess number of inhabitants of other districts to form at-large or flotal districts conforming to acceptable deviations. The proposal will be placed on the ballot at the state election in November and will take effect if approved by two-thirds of the voters present and voting on the question. **Effective upon adoption by voters.**

## **II. INTERGOVERNMENTAL RELATIONS; RETIREMENT; STATE BUDGET**

**NHRS Changes.** Chapter 120 (HB 1634) makes several technical changes to the law governing the New Hampshire Retirement System (NHRS), including changes in the definition of employer, prior service, and accumulated contributions. It also provides that employment by the NHRS serves as creditable service for the purpose of accumulated sick and annual leave. Please refer to the chapter for specific changes. **E.D. 7/14/06.**

**More Technical Retirement Changes.** Chapter 178 (HB 1633) makes changes affecting the service of NHRS members including limitation of the use of prior service purchased as creditable service for the purpose of eligibility for medical benefits upon retirement, the determination of benefits, and the administration of RSA ch. 100-A, such as the elimination of certain subcommittees of the NHRS Board of Trustees. **E.D. 7/24/06.**

**County Government Study.** Chapter 221 (SB 319) establishes a 26-member commission, including a mayor and a selectman appointed by NHMA, to study county government. Specifically, the commission is directed to a) undertake a broad study of the current functions and departments of county government, including but not limited to a determination of the total cost of operating county government functions, and examine possible new functions of county government; b) investigate and determine whether any county government functions can be accomplished more efficiently by the state, or vice versa;

c) analyze whether there is any duplication of services at the county and state levels that might be handled in a more efficient manner, and analyze whether there are efficiencies that might be accomplished through consolidation or restructuring of county and/or state functions; d) propose changes to laws concerning government functions performed at the county or state level; e) propose changes in the form of county government, including county delegations, the method of selecting county delegates, the standardization of reporting the budgeting procedures, and other issues relating to uniformity in reporting county operations. The commission's final report is due by November 1, 2007. **E.D. study commission 6/1/06. Chapter 221** also contains provisions relative to information which may not be included on documents to be filed with the register of deeds. See **Section VI** below.

### **III. MUNICIPAL ADMINISTRATION AND FINANCE MANAGEMENT; LEGAL MATTERS; ECONOMIC DEVELOPMENT; MANDATES**

***Public Recreational Trails.*** **Chapter 5 (HB 1402)** adds a new paragraph to RSA 508:14, relative to landowner liability, which provides that any individual, corporation, or other nonprofit legal entity, or any individual who performs services for a nonprofit entity that constructs, maintains, or improves trails for public recreational use shall not be liable for personal injury or property damage in the absence of gross negligence or willful or wanton misconduct. **E.D. 2/3/06.**

***Mailing Address on Deed Forms.*** **Chapter 7 (HB 505)** amends the various statutory deed forms (e.g. warranty, quitclaim, foreclosure, manufactured housing) to specifically provide a line for the buyer's mailing address, in an effort to obtain better compliance with RSA 477:3 which requires deeds to show the mailing address of the grantee. **E.D. 4/11/06. NHMA POLICY.**

***Use of Unexpended Bond Proceeds in Official Ballot Municipalities.*** **Chapter 12 (HB 1184)** clarifies the vote necessary in certain municipalities to approve the use of bond proceeds for a different purpose than originally authorized. Under existing law (RSA 33:3-a, II), if no expenditure of bond proceeds has been made for the bond's purpose, or if there are unspent proceeds remaining after completion of the project, a municipality may, by a two-thirds vote of its legislative body, authorize expenditure of the remaining proceeds for any purpose for which bonds may be issued for an equal or longer period of time. Chapter 12 amends this section so that the vote to use unexpended proceeds mirrors the requirements for the original adoption of the bond, which vary depending on the form of government. It provides that such an expenditure may be made by a three-fifths vote of those voting in a town or school district that has adopted the official ballot form of government under RSA 40:13, and by a two-thirds vote in a town that has adopted an official ballot town council under RSA 49-D:3, I-a, unless the municipal charter provides for a three-fifths vote. **E.D. 3/13/06.**

***Revised Schedule for Charter Commissions.*** **Chapter 22 (HB 581)** amends the schedule for submission and review of charter commission reports under RSA ch. 49-B. Under the new law, a charter commission must submit its preliminary report within 170 days after its election, and submit its final report within 231 days after the election. Previously, the preliminary report was due within 180 days and the final report within 225 days. This change adds a total of 16 days to the period between the preliminary and final reports. Those 16 additional days are used to increase the period for review by state officials.



The Attorney General, Secretary of State, and Commissioner of the Department of Revenue Administration will now have 30 days to review the preliminary report, compared to 14 days under the old law.

**E.D. 5/30/06.**

***State Audits of Political Subdivisions.*** Chapter 79 (HB 1189) adds political subdivisions to the list of entities subject to audit by the Office of the Legislative Budget Assistant. **E.D. 7/1/07.**

***Changes to Municipal Records Retention Requirements.*** Chapter 119 (HB 1273) makes a number of minor changes to RSA ch. 33-A, regarding disposition of municipal records. It changes the composition of the local records disposition committee to include just one assessor, rather than “the assessors,” and allows a municipality to adopt an ordinance designating who is responsible for the retention of each type of record in the municipality (rather than leaving that designation to the records disposition committee). It also makes several changes to the disposition schedule contained in RSA 33-A:3-a. **E.D. 5/12/06.**

***Twenty-Four Month Budgets Authorized.*** Chapter 148 (HB 1436) authorizes a municipality, school district, village district, or county to adopt a biennial budget consisting of either a single 24-month fiscal period or two 12-month fiscal years. Previously, a biennial budget was permitted, but it had to be divided into two 12-month periods. **E.D. 7/21/06.**

***Tax Relief for Downtown Revitalization.*** Chapter 167 (HB 657) creates a new statute to encourage the revitalization of the downtown areas of municipalities. It allows municipalities to offer property tax relief in the form of providing that taxes shall not increase for a specific period of time determined by the local governing body, when a property owner substantially rehabilitates a structure in a town or village center area. “Substantial” means that the rehabilitation costs at least 15% of the assessed value prior to the rehab, or \$75,000, whichever is less. This tax relief can remain in effect, at the discretion of the governing body, for a period of up to 5 years with provisions for extensions for certain types of projects.

This tax relief pertains only to assessment increases that are attributable to the property’s rehabilitation and is calculated on the value in excess of the original assessed value, similar to a tax increment financing calculation.

In order to take effect, this program has to be adopted by the legislative body and, thereafter, the governing body must determine, for every property for which an exemption is sought, that there is a public benefit to granting the tax relief, that the public benefit is preserved through a covenant, and that the proposed use is consistent with the master plan or development regulations. The covenant is to ensure that the structure is maintained and used in a way that furthers the public benefit for which the tax relief was granted. The covenant must be at least coextensive with the tax relief period, but can be up to twice the duration of that period; it must include provisions requiring the owner to have certain insurance and can include a lien against the proceeds from insurance claims. All transferees and assignees are subject to the provisions of the agreement—so it is recorded in the registry of deeds and is a burden upon the property.

The applicant is charged with the reasonable expenses in drafting, reviewing, or executing the covenant and there are provisions to protect the municipality should the property owner not live up to the agreement. Denial of the application is discretionary and shall not be set aside by the Board of Tax and Land Appeals (BTLA) or the court except for bad faith or discrimination. **E.D. 4/1/06.**

***Reasonable Accommodations for Employees with Disabilities.*** Chapter 181 (SB 273) makes it unlawful to fail to make a reasonable accommodation for an employee with a disability if that employee is otherwise qualified to perform the essential functions of the job and it would not be an undue hardship for the employer to provide the accommodation. The chapter defines reasonable accommodation to include (a) making existing facilities used by employees readily accessible and usable by persons with disabilities, or (b) job restructuring, modified work schedules, reassignment, acquiring or modifying equipment, adjusting or modifying exams, training materials or policies, providing qualified readers or interpreters and other similar accommodations. Undue hardship is defined as an action that requires significant difficulty or expense when considered in light of several specific factors set out in the statute. **E.D. 1/1/07.**

***Municipalities May Require Businesses to Obtain Permits.*** Chapter 202 (HB 1305) authorizes cities and towns to “establish regulations relative to businesses obtaining municipal permits.” **E.D. 7/30/06.**

***Identity Theft.*** Chapter 242 (HB 1660) requires businesses, including political subdivisions, to notify consumers of any security breach that compromises the confidentiality of their personal information. **E.D. 1/1/07.**

***Acquisition of Flood-Destroyed Real Estate.*** Chapter 256 (HB 1767) appropriates money for, and authorizes the state acquisition of, real estate severely damaged or destroyed in the October 2005 floods. It also establishes a commission to determine the appropriate public use of flood-damaged property purchased by the state, which includes one selectman each from the towns of Alstead, Langdon, and Walpole. **E.D. 6/8/06.**

***Management of Electronic Records by State Archives.*** Chapter 275 (HB 582) makes several changes to the Records Management and Archives Act, codified in RSA 5:25 to 41. Most notably, it adds a definition of “electronic records,” which are included within the description of records to be managed by the division of records management and archives. “Electronic records” are defined as “information that is created or retained in a digital format.” Chapter 275 also eliminates a reference to adoption of rules by the municipal records board relative to storage of local records at the state archives—presumably because legislation last session eliminated the municipal records board’s rule-making authority. **E.D. 6/15/06.**

***Mosquito Control Fund.*** Chapter 284 (HB 1464) establishes a mosquito control fund in the Department of Health and Human Services to assist cities, towns, and mosquito control districts by providing funding to offset qualified mosquito control activities, and appropriates \$158,625 to the fund. It also establishes a task force for the purpose of facilitating a coordinated local, regional, and state response to arboviruses (e.g. EEE--eastern equine encephalitis), which includes three locally-elected officials from towns or cities where arbovirus has been detected in animals or humans, at least one of whom shall be a public health officer, to be appointed by the Governor. **E.D. 7/1/06.**

***Eminent Domain for Private Development Prohibited.*** Chapter 324 (SB 287) makes extensive changes to the statutes that authorize the use of eminent domain power, primarily RSA chapters 162-K (municipal economic development and revitalization districts), 203 (housing authorities), 205 (redevelopment projects), and 498-A (eminent domain procedure act). It prohibits the exercise of eminent domain except for a “public use” and defines “public use” as “the possession, occupation, and en-

joyment of real property by the general public or government entities.” Eminent domain may also be used to acquire property for public utilities and common carriers, and to remove blighted or abandoned property if the property constitutes a menace to health and safety. A condemnee who prevails on the question of whether a taking is for a public use will be awarded reasonable attorney fees. **E.D. 1/1/07.**

***Constitutional Limitation on Eminent Domain.*** **CACR 30**, if adopted by the voters, will add a new article 12-a to part 1 of the New Hampshire Constitution, reading as follows: “No part of a person’s property shall be taken by eminent domain and transferred, directly or indirectly, to another person if the taking is for the purpose of private development or other private use of the property.” The proposed amendment will be placed on the ballot at the state election in November and will take effect if approved by two-thirds of the voters present and voting on the question. **Effective upon adoption by voters.**

#### **IV. PLANNING; ZONING; ENVIRONMENTAL REGULATION AND PROTECTION; SOLID/HAZARDOUS WASTE**

***LCHIP.*** **Chapter 39 (HB 544)** allows for the land and community heritage investment program (LCHIP) funds to be used to obtain a term easement, held for a specific period of time and not in perpetuity, where such an easement will foster farm viability. **E.D. 6/17/06.**

***Water Needs Pilot Project.*** **Chapter 63 (HB 1609)** requires the Department of Environmental Services (DES), using existing resources and currently available information, to conduct a pilot project to determine methods of estimating future water needs and the availability of water in a specific area of the seacoast. The pilot will cover a 10-year planning period and will include recommending methodologies for municipalities to use in developing water management plans and in providing information to DES in the large groundwater permitting process. DES staff must make periodic reports on the progress of the pilot project to the two committees studying water issues, the water resources and the groundwater withdrawal study committees. **E.D. 4/24/06.**

***Junkyard Licensing Fees.*** **Chapter 71 (HB 1663)** amends RSA 236:122 to allow a local governing body to charge an annual junkyard licensing fee of not more than \$250, up from a maximum of \$25. **E.D. 4/25/06.**

***Cemeteries to be Shown on Septic Plans.*** **Chapter 87 (HB 1584)** effectively requires persons subdividing property or constructing a sewage or waste disposal system to include, in their plans submitted to DES, the location of known burial sites or cemeteries within or adjacent to the subject property. The current statute, RSA 485-A:29, I, requires DES to specify what details, data, and information are to be contained in such plans, and **Chapter 87** indicates that the specification of “details, data, and information” is to include the location of known burial sites and cemeteries. **E.D. 7/4/06.**

***Best Management Practices and Junkyard Licensing.*** **Chapter 100 (HB 1307)** amends the junkyard licensing statutes to require that new and renewal applications for a junkyard license must include certification of compliance with best management practices established by DES. **E.D. 1/1/07.**

***Fixed Penalties Established for Zoning Violations.*** **Chapter 101 (HB 1320)** amends RSA 676:17, I, to

set a fixed penalty of \$275 per day for first-offense zoning violations and \$550 per day for subsequent violations. Currently, the penalties are “not to exceed” those amounts. **E.D. 1/1/07.**

***International Residential Code Adopted.*** Chapter 112 (SB 234) adds the International Residential Code 2000 to the definition of “New Hampshire building code” in RSA ch. 155-A. It makes no other changes to the statute. Thus, *if* a municipality enacts a process for enforcement of the state building code under RSA 674:51, that enforcement authority will include the residential code. It is unclear whether a municipality that previously adopted an enforcement process, without inclusion of the residential code, will now be automatically deemed to have adopted an enforcement process for the residential code. **E.D. 7/8/06.**

***Disposal of Video Display Devices Prohibited.*** Chapter 171 (HB 1455) prohibits the disposal of video display devices at any solid waste landfill or incinerator after July 1, 2007. A video display device is defined as a visual display component of a television or computer greater than four inches diagonally. An owner or operator of a landfill or incinerator will not be found to have knowingly disposed of a video display device if the facility has taken steps to avoid such disposal, which include, at a minimum, posting signs at the facility or providing written notice to or agreements with the facility’s customers concerning the disposal prohibition. **E.D. 7/1/06.**

***National Flood Insurance Program.*** Chapter 176 (HB 1330) clarifies the authority of municipalities to enroll in the National Flood Insurance Program and to adopt floodplain ordinances. It also allows amendments to the flood insurance rate maps to apply to local floodplain ordinances upon their adoption by the local governing body of a municipality. Finally, the chapter ratifies the adoption of floodplain ordinances adopted in 195 municipalities pursuant to their enrollment in the National Flood Insurance Program. **E.D. 5/25/06.**

***Moratorium on Burning Construction Debris Extended.*** Chapter 186 (HB 1433) extends until December 31, 2007, the moratorium on the incineration of construction and demolition debris that was enacted last year. The moratorium does not apply to municipal waste combustors with a design capacity of at least 100 tons per day, or to any municipal incinerator as defined in RSA ch. 149-M, that is permitted by DES and was in operation on January 1, 2005. **E.D. 6/30/06.**

***Applicability of Land Use Change Tax When Road Constructed on Existing Right-of-Way.*** Chapter 209 (HB 1630) amends the current use statutes to provide that the use of land enrolled in current use is not deemed to be changed, and the land use change tax shall not be assessed, when a road is constructed on an existing right-of-way on current use land solely for the purpose of providing access to an adjoining lot, so long as the owner of the land in current use does nothing else to change the use of the land and does not share any ownership interest in the adjoining lot. However, “if such road construction on an existing right-of-way would constitute a change in use if done by the owner of the land in current use, then the owner of such adjoining property utilizing the road for access shall be responsible for and shall be assessed the land use change tax penalty.” **E.D. 7/1/06.**

***Information NOT To Be Filed at the Register of Deeds.*** Chapter 221 (SB 319) provides that no person shall prepare a document for recording with the register of deeds which contains an individual’s social security number, credit card number, or deposit account numbers, with certain exceptions. The pen-

alty for a preparer who includes such information is an aggrieved person's action to recover actual monetary loss from such a violation, or up to \$1,000 in damages for each such violation, whichever is greater. If any document containing such individual information has been filed at the registry and is available on the Internet, the register shall, upon request by the affected individual, redact the information from the Internet record. **E.D. register provisions 3/1/07. Chapter 221** also establishes a county government study commission. See **Section II** above.

***Grease Trap Waste Study.*** **Chapter 261 (HB 1373)** establishes a commission to study ways to encourage the proper recycling and disposal of grease trap wastes, management systems for such wastes, the development of future in-state disposal capacity, and the ability of DES to assist municipalities in the regulation and management of grease traps. The commission contains two members of the wastewater treatment industry, appointed by the NH Water Pollution Control Association and must file its final report by November 1, 2007. **E.D. 6/9/06.**

***LCHIP Appropriation.*** **Chapter 279 (HB 1167)** appropriates \$500,000 to LCHIP, \$250,000 for the fiscal year ending June 30, 2006 and \$250,000 for the fiscal year ending June 30, 2007. **E.D. 7/1/06.**

***Limitation of Municipal Liability when Transporting Household Hazardous Waste.*** **Chapter 282 (HB 1429)** limits the liability of government entities during the transportation of household hazardous waste. Such entities and their employees will not be liable "during the lawful transportation of locally collected household hazardous waste over the byways of the state, to regional hazardous waste collection centers or . . . disposal facilities in the absence of willful, wanton or reckless conduct." In the event of a release, DES will be responsible for containment, removal, cleanup, restoration, and monitoring. **E.D. 9/13/06. NHMA POLICY.** **Chapter 282** also limits the property tax exemption under RSA 72:12-a. See **Section VII** below.

***Greater Protection From Proposed Zoning Changes.*** **Chapter 285 (HB 1508)** amends RSA 676:12, VI, which protects planning board applicants from proposed zoning, subdivision, and site plan review changes that would affect their applications. Under current law, a proposed change does not apply to any application that has been formally accepted by the planning board prior to the first legal notice of the proposed change. Under the amended law, a proposed change will not apply to an application which was the subject of notice under RSA 676:4, I(d) prior to the first legal notice of the proposed change. This includes proposals submitted for design review under RSA 676:4, II(b), provided that a formal application is submitted to the planning board within 12 months after the end of the design review process. **E.D. 8/14/06.**

***Dams, Dams, Dams.*** **Chapter 306 (HB 1315)** changes the names for the classification of dams from letters to names based on the hazard potential of the dam (low, significant, and high hazard potential), and includes artificial barriers which create surface impoundments for septage as dams. The chapter also authorizes the Department of Resources and Economic Development (DRED) to accept ownership of the dam and dike at Jericho Lake in Berlin, which will be part of the new ATV park area under development there. Finally, the chapter requires the Dam Management Review Committee to study and report by December 1, 2006 on the potential sources of funding for the repair and maintenance of dams by the state. **E.D. 8/18/06.**

***Great Bay Estuary Commission Extension and Treatment Plant Study.*** Chapter 309 (HB 1491) extends the reporting deadline for the Great Bay Estuary Commission to December 31, 2007. It also establishes a commission to study the publicly owned treatment plant needs of the state and state laboratory water tests and the fees charged by DES for those tests. The commission includes two representatives from publicly owned treatment facilities appointed by the New Hampshire Water Pollution Control Association and one member appointed by NHMA. The report must be filed by November 30, 2007.

**E.D. 6/19/06.**

***Large Groundwater Withdrawals.*** Chapter 322 (SB 386) makes several changes to the large groundwater withdrawal statute, RSA ch. 485-C. It changes the current phrase “anticipated zone of contribution” to “potential impact area of the proposed withdrawal,” which is more specifically defined in RSA 485-C:21, V-e. The new statutory provisions also a) prohibit a withdrawal from causing an unmitigated impact, which is determined by 11 specific factors, b) permit DES to alter the terms and conditions of a large groundwater withdrawal to accommodate for drought conditions or new withdrawals, and c) require large groundwater withdrawal permit applications to be accompanied by an impact assessment of the potential impact area of the proposed withdrawal in order to demonstrate that the “public trust” will be preserved. Parties can appeal the actions of DES, and an appeal suspends the decision of the department pending the outcome of a preliminary hearing. Before DES can issue a permit for a large groundwater withdrawal, any municipality in which a well is sited or is proposed to be sited, or any municipality within the potential impact area of the proposed withdrawal, may require the department to determine that the withdrawal will not infringe on the public’s use of groundwater. The determination by DES must be based on substantial evidence and include the methods, evidence, and data used to support its decision. The chapter also allows any municipality that shows it may be substantially and specifically affected by a proceeding under the statute to intervene as a party and to participate in presenting oral or written arguments. A municipality that intervenes shall retain that status through any appeal of the department’s decision. **E.D. 8/21/06.**

## **V. PUBLIC SAFETY; POLICE; FIRE; BUILDING/HEALTH INSPECTION**

***Rates and Costs for Responding to Hazardous Materials Accidents.*** Chapter 102 (HB 1349) amends RSA 154:8-a, II(g), regarding a municipality’s recovery of equipment and personnel costs incurred in responding to a hazardous materials accident. Under the existing statute, the Commissioner of the Department of Safety establishes maximum “rates for equipment usage and personnel costs” that a municipality may charge, with the *guidelines* for establishing those rates and costs to be adopted under RSA ch. 541-A, the administrative rules statute. Under the new law, the rates and costs themselves (including costs of supplies), as well as the guidelines for establishing them, must be adopted under chapter 541-A. The amended statute also expressly authorizes inclusion of overhead costs in the Commissioner’s calculation of maximum rates and costs. **E.D. 7/8/06.**

***Video Surveillance to Identify Motor Vehicles Prohibited.*** Chapter 107 (HB 1738) prohibits the state and municipalities from engaging in “surveillance” on any public way. “Surveillance” is defined as “determining the ownership of a motor vehicle or the identity of a motor vehicle’s occupants on the pub-

lic ways of the state or its political subdivisions through the use of a camera or other imaging device or any other device . . . that by itself or in conjunction with other devices or information can be used to determine the ownership of a motor vehicle or the identity of a motor vehicle's occupants." Certain exceptions are allowed, most notably when the surveillance involves the investigation of a specific crime. **E.D. 7/1/06.**

***International Residential Code Adopted.*** Chapter 112 (SB 234) adds the International Residential Code 2000 to the definition of "New Hampshire building code" in RSA ch. 155-A. It makes no other changes to the statute. Thus, *if* a municipality enacts a process for enforcement of the state building code under RSA 674:51, that enforcement authority will include the residential code. It is unclear whether a municipality that previously adopted an enforcement process, without inclusion of the residential code, will now be automatically deemed to have adopted an enforcement process for the residential code. **E.D. 7/8/06.**

***Assaults on Safety Workers.*** Chapter 197 (HB 1231) provides for enhanced penalties for assaulting a law enforcement officer, firefighter, or licensed emergency medical care provider acting in the line of duty. **E.D. 1/1/07.**

***Implementation of Law Enforcement Officers Safety Act.*** Chapter 248 (HB 1477) authorizes the Police Standards and Training Council to adopt rules implementing the provisions of the federal Law Enforcement Officers Safety Act of 2004. That law allows a qualified retired law enforcement officer to carry a concealed firearm, notwithstanding the laws of any state to the contrary, if the retired officer has a certification issued by the state of his or her residence indicating that the retired officer has been tested or otherwise found to meet the standards of the state for active law enforcement officers to carry a firearm of the same type. Chapter 248 also provides immunity to a firearms instructor who provides such certification for actions taken by the retired officer subsequent to the certification. **E.D. 8/4/06.**

***Abandoned Vehicles.*** Chapter 254 (SB 282) amends the statutes relative to the removal of abandoned vehicles on private property to require that the costs of the removal, including towing, shall be the responsibility of the last registered owner of the vehicle according to DMV records. **E.D. 8/4/06.**

***Police Powers During a State of Emergency.*** Chapter 280 (HB 1335) clarifies the authority of law enforcement officers to make arrests and exercise police powers anywhere in the state during a state of emergency declared by the Governor because of a natural disaster, riot, or act of terrorism. The Governor, the Commissioner of the Department of Safety, or the Commissioner's designee, may request assistance and any law enforcement officer who responds and who acts under the supervision of New Hampshire law enforcement authorities, shall have the same privileges and immunities as an officer in the jurisdiction of the state of emergency. **E.D. 8/14/06.**

***Mosquito Control Fund.*** Chapter 284 (HB 1464) establishes a mosquito control fund in the Department of Health and Human Services (DHHS) to assist cities, towns, and mosquito control districts by providing funding to offset qualified mosquito control activities, and appropriates \$158,625 to the fund. In order to be eligible for money, a municipality must have adopted a comprehensive mosquito control plan, the details of which are set forth in the statute, and the plan must also have been approved by the Commissioner of DHHS. The chapter also establishes a task force for the purpose of facilitating a coor-

minated local, regional, and state response to arboviruses (e.g. EEE--eastern equine encephalitis), which includes three locally-elected officials from towns or cities where arbovirus has been detected in animals or humans, at least one of whom shall be a public health officer, to be appointed by the Governor.

**E.D. 7/1/06.**

***State of Emergency Job Protection.*** Chapter 304 (HB 1194) enacts a new statute, RSA 275:66, which provides that when the Governor or legislature declares a state of emergency, a member of a fire department, rescue squad, or emergency medical services agency who is called into emergency service for the state or a political subdivision shall have the right to take leave without pay from his or her place of employment to respond to the emergency. A worker cannot be *required* to use vacation or other accrued leave time, although may choose to do so. A worker is called into service by a request in writing by the director of emergency services, communications, and management or by the head of a local organization for emergency management. An employer may certify to the party requesting the emergency service that the employee is essential to the employer's own emergency or disaster relief activities, in which case the employee is exempt from the new statute. **E.D. 6/19/06.**

***In-Lieu Payments for Wetlands Restoration.*** Chapter 313 (SB 140) allows DES to accept a payment in lieu of other compensatory mitigation for an "unavoidable loss of aquatic resource functions and values" resulting from wetlands activity if the activity meets the criteria for a U.S. Army Corps of Engineers state programmatic general permit. For projects other than public roadways or public utilities, an in-lieu payment is permissible only if the activity affects less than one acre of wetlands. The chapter explains how in-lieu payments are to be calculated, and establishes a fund into which all such payments are to be deposited. The fund is to be used for costs related to wetlands creation or restoration, stream restoration, preservation of upland areas adjacent to wetlands, and the subsequent monitoring and maintenance of such areas. **E.D. 8/18/06.**

## **VI. PUBLIC WORKS; ROADS AND HIGHWAYS; SPEED LIMITS; AIRPORTS; RAILS**

***Bonds for Highway Work.*** Chapter 177 (HB 1536) provides that when the state or a municipality requires the posting of a security under RSA 236:10 as a condition to permitting excavation or other activity that disturbs a public road, the person providing the security may decide what kind of security to provide, which may be in the form of cash, a letter of credit from a New Hampshire bank, or a bond from an insurance company. The person granting the permission may not arbitrarily withhold funds from the security, but must first make a good-faith effort to resolve any differences with the contractor performing the work. The chapter also amends RSA 236:11 to require that the person doing the work restore the road to "a condition at least equal to the condition that was present before the excavation or disturbance." Previously, it required restoration to the satisfaction of the person giving the permission.

**E.D. 7/24/06.**

***10-year Highway Plan and Eminent Domain.*** Chapter 240 (HB 2006) updates the state's 10-year transportation improvement plan to maintain highways and bridges in the state. It also exempts all transportation projects listed in the 2007-2016 10-year plan from any statute enacted after January 1, 2006



limiting the purposes for which the power of eminent domain may be used. The chapter establishes a study committee to review the procedures of the 10-year transportation improvement plan and to make recommendations. **E.D. 6/1/06 study committee provisions; 7/31/06 remainder.**

***Placement and Removal of Political Advertising.*** Chapter 273 (HB 349) relaxes the limits on the placement of political advertising contained in RSA 664:17. It removes the prohibition on posting political advertising earlier than the last Friday in July. It also allows the placement of political advertising within state-owned rights-of-way as long as the advertising does not obstruct the safe flow of traffic and the advertising is placed with the consent of the owner of the land over which the right-of-way passes. The chapter eliminates the requirement that law enforcement personnel notify the candidate before removing improperly placed advertising, but adds a requirement that such removed advertising be kept for one week at a designated location so the candidate may retrieve it. **E.D. 8/14/06.**

## **VII. TAXES; ASSESSMENTS AND COLLECTIONS; EXEMPTIONS; CURRENT USE**

***Documents Submitted With Property Tax Relief Applications.*** Chapter 30 (HB 410) amends RSA 72:34, II to require that all documents and copies of documents submitted with an application for property tax relief, including exemptions and credits, shall be considered confidential, handled so as to protect the owner's privacy, and not used for any purpose other than the specific statutory purposes for which the information was submitted. It also requires that all documents *and copies* of such documents be returned to the applicant after a decision is made on the application. **E.D. 6/3/06.**

***Determination of Current Use Values.*** Chapter 103 (HB 1394) amends the current use statute to reiterate that the assessed value of land for current use purposes is based on the income producing capacity of the land in its current use "solely for growing forest or agricultural crops," not its real estate market value. **E.D. 7/8/06.**

***Tax Relief for Downtown Revitalization.*** Chapter 167 (HB 657) creates a new statute to encourage the revitalization of the downtown areas of municipalities. It allows municipalities to offer property tax relief in the form of providing that taxes shall not increase for a specific period of time determined by the local governing body, when a property owner substantially rehabilitates a structure in a town or village center area. "Substantial" means that the rehabilitation costs at least 15% of the assessed value prior to the rehab, or \$75,000, whichever is less. This tax relief can remain in effect, at the discretion of the governing body, for a period of up to 5 years with provisions for extensions for certain types of projects.

This tax relief pertains only to assessment increases that are attributable to the property's rehabilitation and is calculated on the value in excess of the original assessed value, similar to a tax increment financing calculation.

In order to take effect, this program has to be adopted by the legislative body and, thereafter, the governing body must determine, for every property for which an exemption is sought, that there is a public benefit to granting the tax relief, that the public benefit is preserved through a covenant, and that the proposed use is consistent with the master plan or development regulations. The covenant is to ensure that the structure is maintained and used in a way that furthers the public benefit for which the tax relief was granted. The covenant must be at least coextensive with the tax relief period, but can be up to twice the

duration of that period; it must include provisions requiring the owner to have certain insurance and can include a lien against the proceeds from insurance claims. All transferees and assignees are subject to the provisions of the agreement—so it is recorded in the registry of deeds and is a burden upon the property.

The applicant is charged with the reasonable expenses in drafting, reviewing, or executing the covenant and there are provisions to protect the municipality should the property owner not live up to the agreement. Denial of the application is discretionary and shall not be set aside by the BTLA or the court except for bad faith or discrimination. **E.D. 4/1/06.**

***Assessing and Assessing Contracts.*** **Chapter 193 (HB 1206)** adds to the duties of the Assessing Standards Board (ASB) the requirement to establish revaluation guidelines based on Standard 6 of the 2005 Edition of the Uniform Standards of Professional Appraisal Practices (USPAP), with the goal of providing for greater documentation and transparency in the assessing process. DRA is to simply report their observations relative to compliance with these guidelines for all assessment reviews done in 2006, and will incorporate these guidelines as part of the formal review process starting in 2007. The chapter also eliminates the requirement that the review process include an examination of the adequacy of tax maps.

Finally, the chapter provides that before any municipality may enter into a contract or agreement with a firm for appraisal services for assessing purposes, the contract must first be submitted to DRA for their review and comment. DRA will provide any recommendations to the municipality within 10 working days of their receipt of the proposed contract, which the municipality may incorporate or disregard. A copy of the final executed contract must still be submitted to DRA. **E.D. 5/30/06.**

***Repeal of University System Property Tax Exemption.*** **Chapter 205 (HB 1679)** provides that persons or entities leasing property from the university system for private purposes shall be subject to the payment of property taxes for the use of that property. That brings university system property in line with other properties owned by nontaxable entities and leased to private or otherwise taxable entities. **E.D. 5/31/06.**

***Applicability of Land Use Change Tax When Road Constructed on Existing Right-of-Way.*** **Chapter 209 (HB 1630)** amends the current use statutes to provide that the use of land enrolled in current use is not deemed to be changed, and the land use change tax shall not be assessed, when a road is constructed on an existing right-of-way on current use land solely for the purpose of providing access to an adjoining lot, so long as the owner of the land in current use does nothing else to change the use of the land and does not share any ownership interest in the adjoining lot. However, “if such road construction on an existing right-of-way would constitute a change in use if done by the owner of the land in current use, then the owner of such adjoining property utilizing the road for access shall be responsible for and shall be assessed the land use change tax penalty.” **E.D. 7/1/06.**

***Residency for the Elderly Exemption.*** **Chapter 212 (SB 231)** reduces the residency requirement for eligibility for the elderly property tax exemption from 5 years to 3 years. **E.D. 6/1/06.**

***No Pollution Control Exemption for Private Landfills.*** **Chapter 282 (HB 1429)** amends RSA 72:12-a, which provides a property tax exemption for facilities that are intended to reduce or eliminate air or wa-

ter pollution. The amendment provides that the exemption is not available to privately owned landfills or ancillary facilities located at such landfills. **E.D. 6/15/06. Chapter 282** also limits municipal liability for releases occurring during the transportation of household hazardous waste. See **Section IV** above.

***PILOTs for Renewable Energy Facilities.*** **Chapter 294 (HB 1758)** re-authorizes municipalities, through the governing body, to enter into a payment-in-lieu-of-taxes (PILOT) agreement with the owners or lessees of renewable generation facilities. These PILOT agreements are voluntary, as opposed to their predecessors under the former RSA ch. 362-A provisions, and payment of the PILOT may be enforced under RSA ch. 80. If a municipality enters into a PILOT with one renewable energy facility, it shall offer a comparable agreement to any other renewable energy facility within its borders upon request. **E.D. 4/1/06.**

## **VIII. WELFARE; EDUCATION; LIBRARIES; HUMAN SERVICES; HOUSING**

***Affordable Housing Study.*** **Chapter 210 (SB 190)** establishes another study committee on affordable housing, comprising 3 members each from the House and Senate. The committee must study adequate affordable housing in New Hampshire and other states, including the use of public and private partnerships, with the goal of recommending options to municipalities and the state for increasing the supply of affordable housing. The report is due by November 1, 2006. **E.D. 6/1/06.**

***TANF Task Force Study.*** **Chapter 247 (HB 1461)** establishes a task force to study the cost and availability of rental housing and the costs of heat, utilities, transportation, and other necessities affected by recent increases in the price of fuel; the adequacy of current temporary assistance for needy families (TANF) grant levels in relation to these costs; the grant level which would be sufficient should current levels be found insufficient; and changes to TANF made by the federal Deficit Reduction Act of 2005, among other charges. The task force includes a member of the New Hampshire Local Welfare Administrators Association, and it must file a preliminary report by December 10, 2006 with a final report due December 1, 2007. **E.D. 6/5/06.**

***Changes to State's TANF Program.*** **Chapter 325 (HB 1331)** makes a number of programmatic changes to the State's TANF program, some of which involve the timing of eligibility decisions and a change in the sanctions provided, which may result in increased local welfare expenditures for municipalities. The bill also makes an appropriation to DHHS for the purpose of supporting 2-parent families in the state TANF program. **E.D. 10/1/06.**

## **IX. UTILITIES**

***Bonding for Broadband.*** **Chapter 225 (HB 653)** allows municipalities and counties to issue bonds for the purpose of building broadband infrastructure, and exempts those bonds from municipal debt limits. **E.D. 7/31/06. NHMA POLICY.**

## **X. EDUCATION FUNDING**

***Calculation of Excess Statewide Education Tax.*** Chapter 6 (HB 100) changes slightly the manner of calculating the “excess statewide education tax” that a small number of “donor towns” still pay to the state under the education funding formula adopted in 2005. Under the new law, if the amount of revenue a municipality raises in the statewide property tax is more than the difference between the municipality’s total school appropriation and its revenue from all other sources (including state grants but excluding the amount raised by the municipality under the statewide property tax), the excess must be paid to the state.

Under the old (2005) law, if the amount a municipality raised at the statewide property tax rate exceeded the total amount that had been raised for education during the “determination year” through the combination of local property tax and non-excess statewide property tax, the excess would be paid to the state. For purposes of that calculation, the “determination year” was the fiscal year three years prior to the year for which the excess tax was calculated. **E.D. 2/10/06.**

***School Building Aid.*** Chapter 158 (SB 308) appropriates \$1,000,000 to the Department of Education for the fiscal year ending June 30, 2007 to supplement existing appropriations to the school building aid grant program, specifically to be used to offset any deficit in a school district’s building aid grants resulting from changes to school building aid law. **E.D. 7/1/06.**

***Kindergarten Construction Aid Program Extended.*** Chapter 198 (HB 1241) extends by two years, to 2008, the kindergarten construction program, under which the Department of Education makes grants to school districts that do not currently operate a public kindergarten program to cover 75 percent of the cost of constructing kindergarten facilities. **E.D. 7/1/06.**

## **XI. SPECIAL ACTS**

***Pittsfield Board of Selectmen.*** Chapter 3 (HB 1262) ratifies the proceedings of the 2005 Pittsfield town meeting relative to increasing the Board of Selectmen from 3 members to 5 members. **E.D. 2/2/06.**

***Amherst-Milford Town Line.*** Chapter 4 (HB 1248) changes the boundary line between the towns of Amherst and Milford, effective upon approval by 2/3 of the voters in each town. **E.D. 2/3/06.**

***Deering and Hanover Road Classifications.*** Chapter 16 (HB 1468) reclassifies a portion of Reservoir Road in the Town of Deering as a Class V highway, and reclassifies a portion of Lyme Road in the Town of Hanover as a Class IV highway. **E.D. 5/22/06.**

***Disaster Relief Funding.*** Chapter 42 (HB 1765) appropriates \$2.9 million to the Bureau of Emergency Management in the Department of Safety as the required state match for federal disaster assistance funds from the Federal Emergency Management Agency. It covers the period October 8-17, 2005 and the bureau will distribute funds to the eligible municipalities and state agencies that completed a request for public assistance within the required time frame. **E.D. 4/18/06.**

***Brookline, East Kingston, and Sandown Actions Ratified.*** Chapter 119 (HB 1273) ratifies all actions of the special Brookline town meeting held September 13, 2005; ratifies the vote of the Town of East Kingston approving a bond for a new police station at its 2006 annual meeting; and ratifies a petitioned article on the Town of Sandown's warrant for its 2006 annual meeting. **E.D. 5/12/06.**

***Winter Road Maintenance in Colebrook and Stewartstown.*** Chapter 175 (HB 1215) increases the winter maintenance payment to the towns of Colebrook and Stewartstown for maintaining the state road to Diamond Pond, last increased in 1985, from \$1,500 to \$2,500 per mile and provides for future payments to be 102 percent of the previous biennium's payment. **E.D. 7/24/06.**

***Seabrook Town Meeting Actions Ratified.*** Chapter 215 (SB 269) ratifies all actions of the Town of Seabrook from 1996 through the effective date of the act against any challenges arising out of the town's adoption of RSA 40:13 at the 1996 town meeting. **E.D. 9/12/06.**

***City of Manchester Retirement System.*** Chapter 224 (SB 405) allows the Manchester Employees' Contributory Retirement System to accept certain tax sheltered funds for the buy-back of service by members. **E.D. 6/1/06.**

***Acquisition of Flood Destroyed Real Estate.*** Chapter 256 (HB 1767) appropriates money for, and authorizes the state acquisition of, real estate severely damaged or destroyed in the October 2005 floods. It also establishes a commission to determine the appropriate public use of flood-damaged property purchased by the state, which includes one selectman each from the towns of Alstead, Langdon, and Walpole. **E.D. 6/8/06.**

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### Where to Obtain Copies of 2006 Laws

**Legislators.** You should be able to contact your Representative or Senator to secure copies of new laws. There should be no charge for these copies if you request a small number.

**The Internet.** Access at <http://www.gencourt.state.nh.us/ic/billstatus/chaplist2006.asp> (These chapters can be obtained at no charge.)

## **2006 BILLS IN INTERIM STUDY**

### **COMMERCE**

***HB 1374***, establishing a committee to require personal information holders to disclose a security breach.

### **CRIMINAL JUSTICE AND PUBLIC SAFETY**

***HB 1680-FN***, requiring law enforcement and corrections officers to complete training in appropriate techniques for dealing with persons with mental health conditions.

### **ELECTION LAW**

***HB 1219***, prohibiting the use of public funds to advocate for the success or defeat of a candidate or ballot question.

***HB 1237-FN-LOCAL***, requiring matching expenditures when public money is paid for purposes of electioneering.

***HB 1304-FN***, relative to the scope of registration of lobbyists and statements of lobbying activities.

***HB 1547***, clarifying what constitutes physical presence for purposes of establishing domicile under the election laws.

***HB 1553***, relative to electioneering.

### **ENVIRONMENT AND AGRICULTURE**

***HB 632-FN-L***, creating an environmental policy for New Hampshire.

***HB 1551***, establishing a committee to study incentives for reducing consumer solid waste for disposal in landfills and incinerators.

***HB 1622-FN***, relative to the state recycling program.

### **FINANCE**

***HB 1284-FN-A***, increasing the appropriation to the firemen's relief fund.

### **JUDICIARY**

***CACR 32***, relating to eminent domain. Providing that property can only be taken for public benefit other than increased tax revenues.

***CACR 40***, relating to taking of property. Providing that property may not be taken for a public purpose, but only for a public use.

***HB 1129***, relative to eminent domain.

***HB 1254***, relative to eminent domain.

***HB 1511***, relative to business replacement costs resulting from government program displacement.

***HB 1554***, relative to the amount paid for property in eminent domain.

***HB 1596-FN***, relative to eminent domain compensation.

### **LABOR, INDUSTRIAL, AND REHABILITATIVE SERVICES**

***HB 1133***, establishing the employee civic duty act.

***HB 1543***, relative to protections for temporary workers.

***SB 267***, relative to the definition of employee and clarifying the criteria for exempting workers from employee status.

**MUNICIPAL AND COUNTY GOVERNMENT**

**HB 245**, establishing a committee to study property appraisals of features of land and the view from residential property and unimproved land.

**HB 1301-LOCAL**, relative to the purchase of conservation, preservation, and agricultural preservation restrictions.

**HB 1405**, relative to the schedule for the adoption, revision, and amendment of municipal charters.

**HB 1439**, relative to petitioned zoning ordinance amendments.

**SB 337**, relative to the sale and repurchase of property acquired by tax deed.

**PUBLIC WORKS AND HIGHWAYS**

**HB 1186**, relative to the location of the Cheshire county superior court.

**RESOURCES, RECREATION, AND DEVELOPMENT**

**HB 1395**, relative to public drinking water protection.

**HB 1493**, declaring that groundwater is part of the public trust.

**TRANSPORTATION**

**SB 157-FN**, relative to all terrain vehicles used for agricultural purposes.

**WAYS AND MEANS**

**HB 634-FN-A**, relative to solid waste reduction, establishing a solid waste disposal fee, and renaming the recycling market development steering committee.